

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

RALPH "TREY" JOHNSON,  
STEPHANIE KERKELES,  
CLAUDIA RUIZ,  
JACOB WILLEBEEK-LEMAIR,  
ALEXA COOKE,  
RHESA FOSTER,  
ZACHARY HARRIS,  
MATTHEW SCHMIDT,  
TAMARA SCHOEN STATMAN,  
GINA SNYDER, and  
LIAM WALSH,  
individually and on behalf of all persons  
similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION, a/k/a the NCAA, and the  
following NCAA Division I Member Schools  
as representatives of a Defendant Class of all  
private and semi-public NCAA Division I  
Member Schools:

CORNELL UNIVERSITY,  
FORDHAM UNIVERSITY,  
LAFAYETTE COLLEGE,  
SACRED HEART UNIVERSITY,  
VILLANOVA UNIVERSITY,  
UNIVERSITY OF OREGON,  
TULANE UNIVERSITY,  
UNIVERSITY OF NOTRE DAME,  
UNIVERSITY OF ARIZONA,  
PURDUE UNIVERSITY,  
DUKE UNIVERSITY, and  
MARIST COLLEGE,

Defendants.

Case No. 2:19-cv-5230 (JP)

**JOINT STIPULATION  
AND  
[PROPOSED] ORDER**

**WHEREAS**, Plaintiffs Ralph “Trey” Johnson, Stephanie Kerkeles, Claudia Ruiz, Jacob Willebeek-Lemair, Alexa Cooke, Rhesa Foster, Zachary Harris, Matthew Schmidt, Tamara Schoen Statman, Gina Snyder, and Liam Walsh (collectively, “Plaintiffs”) filed their Third Amended Complaint on November 4, 2024 (Dkt. No. 134);

**WHEREAS**, the current deadline for Defendants National Collegiate Athletic Association (“NCAA”), Cornell University, Fordham University, Lafayette College, Sacred Heart University, Villanova University, University of Oregon, Tulane University, University of Notre Dame, University of Arizona, Purdue University, Duke University, and Marist College (collectively, “Defendants”) to file their responses to Plaintiffs’ Third Amended Complaint is February 7, 2025 (*see* Dkt. No. 132);

**WHEREAS**, counsel for Defendants have advised counsel for Plaintiffs that Defendants intend to file respective Motions to Dismiss in response to Plaintiffs’ Third Amended Complaint;<sup>1</sup>

**WHEREAS**, under the Local Rules of this Court, the current schedule would require Plaintiffs to file their oppositions to Defendants’ Motions to Dismiss by February 21, 2025 (*see* L.R. 7.1(c));

**WHEREAS**, Plaintiffs and Defendants agree that affording Defendants additional time to file their Motions to Dismiss, and that affording Plaintiffs additional time to file their oppositions to Defendants’ Motions, is desirable for all Parties;

**WHEREAS**, Defendants anticipate that it will be desirable, and for the Court’s benefit, to file reply briefs to Plaintiffs’ oppositions, and Plaintiffs have no objections thereto;

---

<sup>1</sup> In joining this stipulation, Defendants expressly preserve all rights, claims, and available defenses. The Parties’ joint stipulation does not constitute any Defendant’s waiver of any right, claim, or available defense, including any and all defenses available under Rule 12 of the Federal Rules of Civil Procedure.

**WHEREAS**, Plaintiffs anticipate that it may be desirable, and for the Court's benefit, to file sur-reply briefs to Defendants' reply briefs, and Defendants have no objections thereto;

**THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys for the Parties, that Defendants' time to respond to Plaintiffs' Third Amended Complaint is hereby extended up to and including March 24, 2025, and Plaintiffs' time to oppose Defendants' responses is hereby extended up to and including May 23, 2025. Defendants shall file their reply briefs, if any, on or before July 7, 2025, and Plaintiffs shall file their sur-reply briefs, if any, on or before August 6, 2025.

DATED: January 31, 2025

Respectfully submitted,

/s/ Michael J. Willemin

Michael J. Willemin (admitted *pro hac vice*)  
William R. Baker (admitted *pro hac vice*)  
WIGDOR LLP  
85 Fifth Avenue  
New York, NY 10003  
Telephone: (212) 257-6800  
Facsimile: (212) 257-6845  
mwillemin@wigdorlaw.com  
wbaker@wigdorlaw.com

Paul L. McDonald (Pa. Bar No. 84856)  
P L MCDONALD LAW LLC  
1800 JFK Boulevard, Suite 300  
Philadelphia, PA 19103  
Telephone: (267) 238-3835  
Facsimile: (267) 238-3801  
paul@plmcdonaldlaw.com

*Counsel for Plaintiffs and  
Proposed Counsel for the Members of  
the Proposed FLSA Collective,  
the Proposed Pennsylvania Class,  
the Proposed New York Class,  
the Proposed Connecticut Class,  
the Proposed North Carolina Class,  
the Proposed Oregon Class,  
the Proposed Louisiana Class,  
the Proposed Arizona Class, and  
the Proposed Indiana Class*

/s/ Todd A. Noteboom

Todd A. Noteboom (Pa. Bar No. 308557)  
Tracey Holmes Donesky (admitted *pro hac  
vice*)  
David P. Thoreson (admitted *pro hac vice*)  
STINSON LLP  
50 South Sixth Street, Suite 2600  
Minneapolis, MN 55402  
Telephone: (612) 335-1500  
Facsimile: (612) 335-1657  
todd.noteboom@stinson.com  
tracey.donesky@stinson.com  
david.thoreson@stinson.com

Naima S. Starks (admitted *pro hac vice*)  
STINSON LLP  
1775 Pennsylvania Avenue, NW  
Suite 800  
Washington, DC 20006  
Telephone: (202) 785-9100  
naima.starks@stinson.com

Steven B. Katz (admitted *pro hac vice*)  
CONSTANGY, BROOKS, SMITH &  
PROPHETY, LLP  
2029 Century Park East, Suite 1100  
Los Angeles, CA 90067  
Telephone: (310) 909-7775  
Facsimile: (424) 465-6630  
skatz@constangy.com

*Counsel for Defendant National Collegiate  
Athletic Association*

/s/ Alison H. Silveira

Alison H. Silveira (admitted *pro hac vice*)  
SEYFARTH SHAW LLP  
Two Seaport Lane, Suite 1200  
Boston, MA 02210  
Telephone: (617) 946-4800  
Facsimile: (617) 946-4801  
asilveira@seyfarth.com

Lilah Wylde (*admitted pro hac vice*)  
SEYFARTH SHAW LLP  
560 Mission Street, Suite 3100  
San Francisco, CA 94105  
Telephone: (415) 397-2823  
Facsimile: (415) 397-8549  
lwylde@seyfarth.com

Jacob Oslick (Pa. Bar No. 311028)  
SEYFARTH SHAW LLP  
620 Eighth Avenue, 32nd Floor  
New York, NY 10018  
Telephone: (212) 218-5500  
Facsimile: (212) 218-5526  
joslick@seyfarth.com

*Counsel for Defendant Marist College*

/s/ Kevin J. Mangan

Kevin J. Mangan (Pa. Bar No. 56507)  
WOMBLE BOND DICKINSON LLP  
1313 North Market Street, Suite 1200  
Wilmington, DE 19801  
Telephone: (302) 252-4320  
kevin.mangagn@wbd-us.com

James P. Cooney III (*admitted pro hac vice*)  
WOMBLE BOND DICKINSON LLP  
301 South College Street, Suite 3500  
Charlotte, NC 28202  
Telephone: (704) 331-4980  
jim.cooney@wbd-us.com

*Counsel for Defendant Duke University*

/s/ Trenten D. Klingerman

Trenten D. Klingerman (application for admission *pro hac vice* forthcoming)  
William P. Kealey (application for admission *pro hac vice* forthcoming)  
STUART & BRANIGIN LLP  
300 Main Street, Suite 900  
Lafayette, IN 47902-1010  
Telephone: (765) 423-1561  
tdk@stuartlaw.com  
wpk@stuartlaw.com

*Counsel for Defendants Purdue University and University of Oregon*

/s/ Marla N. Presley

Marla N. Presley (Pa. Bar No. 91020)  
Katelyn M. O'Connor (Pa. Bar No. 308922)  
JACKSON LEWIS P.C.  
1001 Liberty Avenue, Suite 1000  
Pittsburgh, PA 15222  
Telephone: (412) 338-5148  
Facsimile: (412) 232-3441  
marla.presley@jacksonlewis.com  
katie.o'connor@jacksonlewis.com

*Counsel for Defendant University of Arizona*

/s/ Steven W Schlesinger

Steven W Schlesinger (Pa. Bar No. 332869)  
Mark A. Konkel (*admitted pro hac vice*)  
Sandra L. Musumeci (*admitted pro hac vice*)  
KELLEY DRYE & WARREN LLP  
3 World Trade Center  
175 Greenwich Street  
New York, NY 10007  
Telephone: (212) 808-7800  
Facsimile: (212) 808-7897  
sschlesinger@kelleydrye.com  
mkonkel@kelleydrye.com  
smusumeci@kelleydrye.com

*Counsel for Defendant Fordham University*

*/s/ Julie A. Busta*

Julie A. Busta (Pa. Bar No. 311933)  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
1735 Market Street, 12th Floor  
Philadelphia, PA 19103  
Telephone: (215) 965-1260  
Facsimile: (215) 965-1210  
jbusta@akingump.com

Anthony T. Pierce (admitted *pro hac vice*)  
Katherine I. Heise (admitted *pro hac vice*)  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
2001 K Street, N.W.  
Washington, DC 20006  
Telephone: (202) 887-4000  
Facsimile: (202) 887-4288  
apierce@akingump.com  
kheise@akingump.com

Jessica Taub Rosenberg (application for  
admission *pro hac vice* filed)  
AKIN GUMP STRAUSS HAUER &  
FELD LLP  
1 Bryant Park, Bank of America Tower  
New York, NY 10036  
Telephone: (212) 872-1000  
Facsimile: (212) 872-1002  
jrosenberg@akingump.com

*Counsel for Defendant Cornell University*

*/s/ Rebecca Sha*

Rebecca Sha (admitted *pro hac vice*)  
Stephanie M. Poucher (admitted *pro hac  
vice*)  
PHELPS DUNBAR LLP  
Canal Place  
365 Canal Street, Suite 2000  
New Orleans, LA 70130  
Telephone: (504) 566-1311  
Facsimile: (504) 568-9130  
rebecca.sha@phelps.com  
stephanie.poucher@phelps.com

John L. Lamb, Esq. (Pa. Bar No. 324291)  
Joseph J. Centeno, Esq. (Pa. Bar No. 70902)  
BUCHANAN INGERSOLL & ROONEY  
PC  
Two Liberty Place  
50 South 16th Street, Suite 3200  
Philadelphia, PA 19102-2555  
Telephone: (215) 665-8700  
john.lamb@bipc.com  
joseph.centeno@bipc.com

*Counsel for Defendant Administrators of  
the Tulane Educational Fund (Tulane  
University)*

*/s/ Sean P. Fahey*

Sean P. Fahey (Pa. Bar No. 73305)  
Christopher J. Moran (Pa. Bar No. 68142)  
Brian R. Ellixson (Pa. Bar No. 319083)  
TROUTMAN PEPPER LOCKE LLP  
3000 Two Logan Square, 18th & Arch  
Streets  
Philadelphia, PA 19103  
Telephone: (215) 981-4000  
sean.fahey@troutman.com  
christopher.moran@troutman.com  
brian.ellixson@troutman.com

*Counsel for Defendants Lafayette College,  
Sacred Heart University, and  
Villanova University*

/s/ Mark J. Neuberger

Mark J. Neuberger (Pa. Bar No. 49714)  
FOLEY & LARDNER LLP  
2 South Biscayne Blvd., Suite 1900  
Miami, FL 33131  
Telephone: (305) 482-8408  
Facsimile: (305) 482-8600  
mneuberger@foley.com

Jonathan L. Israel (admitted *pro hac vice*)  
FOLEY & LARDNER LLP  
90 Park Avenue  
New York, NY 10013  
Telephone: (212) 338-3610  
Facsimile: (212) 687-2329  
jisrael@foley.com

*Counsel for Defendant*  
*University of Notre Dame du Lac*

**ORDER**

Pursuant to the above stipulation, **IT IS SO ORDERED.**

Dated:

---

The Honorable John R. Padova  
United States District Judge